

BYE-LAWS

OF THE

ALLAHABAD MUSEUM SOCIETY

Contents

		Page
CHAPTER I		
<i>Preliminary</i>		
Rule 1	Short title and commencement	5
Rule 2	Application	5
Rule 3	Definitions	5-6
CHAPTER II		
<i>Creation and Grouping of posts</i>		
Rule 4	Grades and Categories of posts	6
Rule 5	Number and Duties of posts	6
CHAPTER III		
<i>Recruitment</i>		
Rule 6	Appointing Authorities	7
Rule 7	Methods	7
Rule 8	Recruitment by Promotion	7
Rule 9	Direct Recruitment	8
Rule 10	Appointment of Borrowed Employees	8
Rule 11	Qualifications	8
Rule 12	Age at Entry	8
Rule 12A	Compassionate Appointments	8-9
Rule 13	Fitness	9
CHAPTER IV		
<i>Tenure</i>		
Rule 14	Probation	9-10
Rule 15	Temporary and Permanent Service	10
Rule 16	Substantive Appointments	10
Rule 17	Termination of Service	10-11
Rule 18	Retirement	11
Rule 19	Resignation	11
CHAPTER V		
<i>Pay</i>		
Rule 20	Scale of pay	11
Rule 21	Initial pay	11
Rule 22	Fixation of pay and drawal of increment, leave salary, etc.	11
Rule 23	Advance increments	11
Rule 24	Premature increments	11
Rule 24A	Special increment for Family Planning	11
Rule 25	Pay of re-employed persons	12

Rule 26	Special pay, personal pay, honorarium and fee	12
Rule 27	Drawal of pay	12

CHAPTER VI
Allowances

Rule 28	Kinds of allowances	13
Rule 29	Dearness allowance	13
Rule 30	City compensatory allowance	13
Rule 31	House rent allowance	13
Rule 32	Allowance during suspension	13
Rule 33	Allowances during leave	13
Rule 34	Leave travel concession	14
Rule 34A	Children's education allowance and reimbursement of tuition fee	14
Rule 35	Travelling allowance	14
Rule 36	Daily allowance	14
Rule 37	Drawal of allowances	14

CHAPTER VII
Medical facilities

Rule 38	Medical facilities	14
---------	--------------------	----

CHAPTER VIII
Leave

Rule 39	Kinds of leave	15
Rule 39A	Regulation of leave	16
Rule 39B	Powers to relax	16
Rule 40	Casual leave	16
Rule 40A	Special casual leave	16
Rule 41	Procedure for grant of leave	16

CHAPTER IX
Retirement and other benefits

Rule 42	Pension and death-cum-retirement gratuity	17
Rule 43	Provident Fund	17
Rule 44	Benefits for employees foregoing their previous service and other benefits	17
Rule 45	Cash payment in lieu of unutilized earned leave	17

CHAPTER X
General conditions of service

Rule 46	Whole-time employment	18
---------	-----------------------	----

CHAPTER XI
Conduct

Rule 47	Conduct	18
---------	---------	----

CHAPTER XII
Discipline

Rule 48	Suspension	19
Rule 49	Penalties	19
Rule 50	Authority competent to impose penalty	20
Rule 51	Procedure for imposing penalty	20
Rule 52	Special provision regarding borrowed employees	20

CHAPTER XIII
Appeals and reviews

Rule 53	Appellate authorities	21
Rule 54	Period of limitation for appeals	21
Rule 55	Form, contents and submission of appeals	22
Rule 56	Consideration of appeals	22
Rule 57	Review	22
Rule 58	Orders of reinstatement	22
Rule 58A	Orders on reinstatement	22

CHAPTER XIV
Miscellaneous

Rule 59	Special provision for existing employees	23
Rule 60	Authentication	23
Rule 61	Holidays	23
Rule 62	Service books and character rolls	23
Rule 63	Residuary conditions of service	23
Rule 64	Power to relax	24
Rule 65	Removal of doubts	24

THE ALLAHABAD MUSEUM SOCIETY, ALLAHABAD

CHAPTER I

Preliminary

1. SHORT TITLE AND COMMENCEMENT

- (i) These bye-laws may be called the Allahabad Museum Society (Service) Bye-Laws, 1986.
- (ii) They shall be deemed to have come into force from 01.05.1986.

2. APPLICATION

- (i) These Bye-laws shall apply to every employee of the Society.
- (ii) Notwithstanding anything contained in clause (i) the Allahabad Museum Society may by an agreement with any employee make such special provisions regarding his conditions of service as it considers necessary and thereupon these bye-laws shall not apply to such employees to the extent to which the special provisions are inconsistent therewith.

3. DEFINITIONS

- (i) In these Bye-laws, unless the context otherwise requires -
 - (a) 'Society' means the Allahabad Museum Society.
 - (b) 'A Committee' means any Committee of the Society, constituted under Rule 3 of the Rules and Regulations of the Society by whatever name it may be called from time to time, and entrusted with the administration and management of the affairs of the Society.
 - (c) 'Chairman' means the Chairman of the Society.
 - (d) 'Director' means the Director of the Allahabad Museum duly appointed by Government of India/Allahabad Museum Society.
 - (e) *Administrative Officer* means the person holding the post of Administrative-cum-Accounts Officer created by the Executive Committee in accordance with rule 24(ii) of the Rules and Regulations of the Society.
 - (f) *Appointing Authority* in relation to any post under the Society means the authority competent to make appointments to that post under Bye-laws 6.
 - (g) *Borrowed employee* means an employee of any other organization whose services are obtained by the Society on loan for the time being.
 - (h) *Controlling authority* means -
 - (i) in relation to posts in Group A the Executive Committee of the Society.
 - (ii) in relation to posts in Group B the Chairman.
 - (iii) in relation to posts in Groups C & D the Director.
 - (i) *Employee* means any person serving the Society in any post specified by the Society from time to time.
 - (j) *Foreign Service* means service for which an employee receives with the approval of the Controlling Authority the pay from any sources other than the funds of the Society.
 - (k) *Government* means the Government of India.

- (l) *Member Secretary* means the Director (Member Secretary of the Society).
- (m) *Pay* means the pay as defined in rule 9(21) of the Fundamental Rules.
- (n) *Sanctioning Authority* means-
- (i) in relation to posts in Groups *C* and *D* the Director.
 - (ii) in relation to posts in Group *B* the Chairman.
 - (iii) in relation to posts in Group *A* the Society.
- (o) *Temporary employee* means an employee who has not been made permanent.
- (p) All words and expressions used but not defined in these Bye-laws and defined in the Rules of the Society shall have the meaning respectively assigned to them in the said Rules.

CHAPTER II

Creation and grouping of posts

4. GRADES AND CATEGORIES OF POSTS

(1) The posts under the Society shall be divided according to their pay scales into Group 'A', 'B', 'C' and 'D' corresponding to the grouping of the posts in Government from time to time.

(2) The Society may direct -

- (i) the creation of any new grade or category of posts.
- (ii) the abolition of any grade or category of posts.
- (iii) the revision of the pay scale of any post except that creation, abolition and revision of pay scale of any other post carrying a pay scale the maximum pay of which exceeds Rs. 1,600/- will require approval of Government. Creation of the posts will be subject to observance of the restrictions issued by Government in this behalf from time to time. In the event of disagreement between representatives of the Ministry of Finance and the Chairman of the Society on a financial matter beyond the delegated powers of the Ministry/Department of Government, the matter may be referred to the Minister of the administrative Ministry concerned and the Finance Minister for a decision.

5. NUMBER AND DUTIES OF POSTS

The competent Authority in relation to any category of posts shall, subject to the direction of any higher authority, have the power -

- (i) to determine the number of posts in that category;
- (ii) to create or abolish any post in that category;
- (iii) to determine whether any post created in that category shall be temporary or permanent;
- (iv) to specify the period for which a temporary post is created; and
- (v) to determine the duties attached to any post in that category.

CHAPTER III

Recruitment

6. APPOINTING AUTHORITIES

In accordance with the procedure and method of recruitment contained in these Bye-laws, appointment to a post under the Society shall be made -

- (i) in the case of post in Group C and Multi Tasking Staff (MTS) by the Director.
- (ii) in the case of a post in Group B by the Chairman.
- (iii) in the case of a post in Group A by the Executive Committee of the Allahabad Museum Society.

7. METHODS OF RECRUITMENT

(1) Recruitment to a post under the Society may be made in accordance with the relevant recruitment rules to be framed by the Society -

- (i) by promotion;
- (ii) by direct recruitment;
- (iii) by deputation or transfer of a borrowed employee for a specified period; or
- (iv) on contract for a specified period;

(2) Notwithstanding the method of recruitment laid down in the Recruitment Rules referred to in clause 1, the competent authority when it is of the view that filling of a vacancy is likely to take time, may where Director is the appointing authority with the approval of the Chairman and where the Chairman is the appointing authority, with the approval of the Executive Committee of the Society, decide that a vacancy be filled otherwise than in accordance with these rules provided that the arrangement shall be terminated as soon as possible but not exceeding six months by filling the vacancy in accordance with the relevant recruitment rules.

8. RECRUITMENT BY PROMOTION

(1) Appointment to a post by promotion shall be made in accordance with the relevant recruitment rules.

(2) Appointment by promotion whether on the basis of seniority-cum-fitness or on the basis of selection on merit shall be made on the recommendations of a Departmental Promotion Committee as [provided in the Recruitment Rules.

9. DIRECT RECRUITMENT

Appointment by direct recruitment to any post may be made on the recommendation of a Selection Committee -

- (i) from amongst candidates recommended by the Employment Exchange on requisition; or

- (ii) from amongst candidates employed in other Government, autonomous or statutory organizations, who apply in response to any circular; or
- (iii) from amongst candidates applying in response to any advertisement.

Note : 1. The case of *borrowed employees* working in the Society may be considered for posts for which they are otherwise qualified without any formal application.

2. Orders of Government issued from time to time regarding reservation of vacancies for Scheduled Castes and Scheduled Tribes or any other specified categories shall apply to posts filled by direct recruitment and by promotion where applicable.

10. APPOINTMENT OF BORROWED EMPLOYEES

A borrowed employee may be appointed to a post on the recommendation of a Selection Committee on such terms and conditions as may be agreed to between the lending and the borrowing authority and Government instructions from time to time.

11. QUALIFICATIONS

The qualifications for appointment to any post shall be such as may be prescribed in the Recruitment Rules for the post concerned.

Note: The Executive Committee may relax the prescribed qualifications for reasons to be recorded in writing in case the group/category of candidates who are found eminently suitable otherwise.

12. AGE OF ENTRY

The minimum age of direct recruits to the posts in Group C and Multi Tasking Staff shall be 18 years and maximum age shall be 30 years. For posts in other groups the age limits shall be such as may be prescribed in the relevant recruitment rules.

Provided that in larger interest of the Museum, the age limit may be relaxed for those deserving candidates who have been engaged in the Museum in a similar work for sufficient period. In such cases the age may be relaxed up to the age of 40 years in case of Departmental Employees, Casual Workers and Contract Employees for the purpose of appointment in regular establishment in consonance with the guidelines of DOPT in the matter in respect of Gr. C posts.

12A. COMPASSIONATE APPOINTMENTS

The Chairman may approve appointment on compassionate grounds of a son/daughter/near relative of an employee who dies in harness, leaving his family in immediate need of assistance, in the event of there being no other earning member in the family. Such appointments shall be confined to Group C or Group D posts limited to 5% of the total number of posts in respective group. Provided, however, that the age limit for all posts is relaxable, as per Government orders in force from time to time in respect of Scheduled Castes/Scheduled Tribes candidates, State and Central Government employees.

The words near relative may be substituted as “Family” as defined in Reservation and Concessions in Appointment Rules, which is as follows:-

“Dependent family member means (a) spouse; (b) son/daughter (including adopted son/adopted daughter) and (c) brother or sister in the case of unmarried Government servant/ member of the Armed Force at the time of his death in harness/ retirement on medical grounds, as the case may be.”

13. FITNESS

No persons shall be appointed to any post by direct recruitment unless :

(i) He/She produces a certificate of health in the prescribed form from the medical officer/medical practitioner approved by the competent authority in this behalf and fees paid to him/her for the production of such a certificate will be reimbursed to him/her if he/she is declared fit in the first examination, but any fees paid by him/her for any subsequent examination, on his/her being declared temporarily unfit in the first examination, will not be reimbursed. Provided, however, that no certificate of health will be necessary in cases of tenure appointments as decided upon by the competent authority;

(ii) The competent Authority is satisfied that he/she possesses good character and antecedents;

(iii) He/She signs a declaration regarding his/her marital status in the prescribed form, and provided that -

(a) has not entered into or contracted a marriage with a person having a spouse living, or

(b) having a spouse living, has not entered into or contracted a marriage with any person.

(iv) He/She takes an oath of allegiance to the Constitution of India before the Competent Authority or before an officer nominated in this behalf.

CHAPTER IV

Tenure

14. PROBATION

(1) Every person appointed to a post under the Society whether by promotion or by direct recruitment, shall be on probation in such post for a period of two years. Provided that the Appointing Authority may, in any individual case, for reasons to be recorded in writing, reduce or extend the period of probation, the extension of the period of probation shall not exceed one year.

(2) Where a person appointed to a post under the Society on probation is, during his period of probation, found unsuitable for holding that post, or has not completed his period of probation satisfactorily, the Appointing Authority may -

(i) in the case of person appointed by promotion revert him to the post held by him immediately before such appointment;

(ii) in the case of person appointed by direct recruitment, terminate his services under the Society at any time by a notice of one month in writing or on payment of one month's pay and allowances in lieu of such notice.

(3) Every person appointed to a permanent post under the Society by promotion or by direct recruitment shall, on satisfactorily completing his period of probation, be eligible for substantive appointment to that post.

15. TEMPORARY AND PERMANENT SERVICE

(i) An employee shall be a temporary employee of the Society till he is appointed substantively to a permanent post under the Society.

(ii) An employee appointed substantively to any permanent post under the Society shall be a permanent employee of the Society.

16. SUBSTANTIVE APPOINTMENT

No employee shall be appointed substantively to any post unless -

(i) such post is permanent and nobody else has been substantively appointed to it; and

(ii) the service of the employee under the Society is approved by the Appointing Authority.

17. TERMINATION OF SERVICE

(1) The services of a temporary employee may be terminated by the Appointing Authority without assigning any reason by a notice of one month in writing to the employee or on payment of one month's salary and allowances in lieu of such notice.

(2) Without prejudice to the provisions of clause (1) above the service of a temporary employee shall terminate -

(i) if his/her appointment is made for a specified period on the expiry of such period unless the appointment is extended for a further period; or

(ii) if his/her appointment is made against a temporary post on the abolition of the post or on the expiry of the period for which the post is created; and/or

(iii) if he/she fails to resume duty within thirty days from the expiry of the leave granted to him under Bye-law 39A and after his explanation, if any, in reply to a show cause notice, which should be given in all such cases, has been taken into account.

(3) The service of a permanent employee may be terminated by a notice of three months or on payment of pay and allowances for such period as the notice falls short of three months or

without notice on payment of three months pay and allowances, if the post to which he is substantively appointed is abolished.

(4) An employee who is given notice of termination of service under clause (3) above, may be granted during the period of notice such earned leave as may be admissible to him, and where the leave so admissible and granted is more than three months his service shall be terminated on the expiry of such leave.

18. RETIREMENT

(1) An employee shall retire from the service of the Society :

- (i) On his/her being declared medically unfit for service by a competent medical authority designated by the Executive Committee in this behalf, or
- (ii) On the imposition of the penalty of compulsory retirement; or
- (iii) On his/her attaining the age of superannuation which is sixty (60) years. (In view of Government of India order no. F.9-16/88-CDN dated 1st July 1998)

Provided that in exceptional cases, the Executive Committee may decide that an employee belonging to Group 'A', 'B' or 'C' be retained in service on re-employment basis, after attaining the age of 60 years, if he/she is mentally fit and his/her retention in service is considered to be in the interest of the Society;

(2) Notwithstanding anything contained in clause (1) above, the Appointing Authority shall, if it is of the opinion that it is in the Society's interest to do so, have the absolute right to retire any employee by giving him notice of not less than three months in writing or three months pay and allowances in lieu of such notice after he has attained the age of 55 years.

(3) Any employee may, by giving notice of not less than three months in writing to the Appointing Authority, retire from service after he has attained the age of 55 years; provided that it shall be open to the Appointing Authority to withhold permission to an employee under suspension who seeks to retire under this clause.

19. RESIGNATION

(1) An employee may be giving notice of one month in writing addressed to the Appointing Authority resign from the service of the Society.

(2) The Appointing Authority may, if it deems proper in any special circumstances, permit an employee to resign from the service of the Society by notice of less than a month.

(3) The resignation shall be effective from the date of its acceptance by the Appointing Authority.

CHAPTER V

20. SCALES OF PAY

The scales of pay for the posts under the Society shall be specified in the relevant orders issued from time to time.

21. INITIAL PAY

An employee shall, on his appointment to a post of a time-scale of pay, draw a pay at the minimum of the time-scale unless higher pay is admissible under Bye-law 22 or the competent Authority decides that he shall draw pay at any higher stage in the time-scale of pay.

22. FIXATION OF INITIAL PAY, DRAWAL OF INCREMENT, LEAVE, ETC.

Government rules and instructions regarding fixation of initial pay, drawal of salary, allowances, increments, leave salary during various kinds of leave and subsistence allowance during suspension, shall *mutatis mutandis* apply to the employees of the Society, save as specifically provided herein.

23. ADVANCE INCREMENTS

In the case of direct recruits to any category of posts, advance increments up to a maximum of five increments, may be granted on the recommendation of the Selection Committee by the Chairman in the case of Group 'C' and 'D' employees and by the Executive Committee in the case of Group A and B employees.

24. PREMATURE INCREMENTS

The Executive Committee may grant a premature increment to an employee on a time-scale of pay.

24A. SPECIAL INCREMENT FOR FAMILY PLANNING

Special increment in the form of personal pay may be granted to an employee of the Society as an incentive for small family as per Government instructions issued from time to time.

25. PAY OF RE-EMPLOYED PERSONS

The pay of persons who are re-employed after retirement from Central or State Government Service or Service of a public undertaking or Government aided autonomous organizations shall be fixed in accordance with the Government of India, Ministry of Finance O.M. No.8(34)-EIII/57 dated 25-11-1985 as amended from time to time.

26. SPECIAL PAY, PERSONAL PAY, HONORARIUM AND FEE

The Executive Committee may sanction to an employee, in any special circumstances, such special pay, personal pay, honorarium or fee and on such conditions as it may deem fit, except in the case of Cashier who shall be entitled to special pay for handling cash as per Government instructions issued from time to time.

27. DRAWAL OF PAY

(1) An employee shall be entitled to the pay of the post to which he is appointed from the date on which he assumes charge of the post.

(2) Pay in respect of any month shall become payable on the first working day of the following month. Disbursement of pay on the last day of the month except in the case of month of March, shall be made as per Central Government orders.

(3) An employee resigning from the service of the Society without the notice prescribed under Bye-law 19 shall not unless the Controlling Authority directs otherwise, be allowed to draw pay due, but not drawn; provided that the pay so not allowed to be drawn shall not exceed the pay for one month.

CHAPTER VI *Allowances*

28. KINDS OF ALLOWANCE

The following allowances shall be admissible to an employee in accordance with the provision of this Chapter:-

- (1) Dearness Allowance
- (2) City Compensatory Allowance
- (3) House Rent Allowance
- (4) Travelling and Daily Allowances
- (5) Any other allowance sanctioned by Government of India.

29. DEARNESS ALLOWANCE

Dearness allowance shall be admissible to employee of the Society at the rates at which and subject to the orders under which the same is allowed to Central Government servants.

30. CITY COMPENSATORY ALLOWANCE

City compensatory allowance shall be admissible to employees of the Society at the rates at which and subject to the orders under which the same is allowed to Central Government employees.

31. HOUSE RENT ALLOWANCE

House rent allowance shall be admissible to the employees of the Society as sanctioned by the Government of India.

32. ALLOWANCE DURING SUSPENSION

An employee under suspension shall, during the period of suspension, draw such allowances, at such rates and subject to such orders under which the same are allowed to comparable Central Government employees.

33. ALLOWANCES DURING LEAVE

House rent allowance, city compensatory allowance and dearness allowance and any other allowance shall be admissible to the employees of the Society during leave of all kinds at the rates and subject to the conditions under which such allowances are admissible to Central Government employees of the corresponding categories during the period of the same kind of leaves.

34. LEAVE TRAVEL CONCESSION

Leave travel concession shall be admissible to the employees of the Society at the rate at which and subject to the orders and conditions under which the same is allowed to Central Government employees.

34A. CHILDREN'S EDUCATION ALLOWANCE AND REIMBURSEMENT OF TUITION FEES

The concessions of children's education allowance and reimbursement of tuition fees shall be admissible to employees of the Society at the rate at which and subject to the orders under which the same are allowed to Government employees.

35. TRAVELLING ALLOWANCE

Travelling allowance admissible to the employees for journeys performed on duty within India shall be admissible to employees of the Society at the rate at which and subject to the orders under which the same are allowed to Government employees.

36. DAILY ALLOWANCE

Daily allowance for each day of absence of an employee from the headquarters of the Society on duty within India shall be admissible to the employees of the Society as is admissible to the Central Government employees of corresponding categories.

37. DRAWAL OF ALLOWANCES

(1) Dearness allowance, city compensatory allowance and house rent allowance admissible to an employee for any month shall be payable along with his pay;

(2) Travelling allowance and daily allowance shall ordinarily be payable on the return of the employee to his headquarters, provided that the Director may sanction payment in advance of such sum as he deems fit towards such allowances;

(3) An employee resigning from the service of the Society without the notice prescribed under Bye-law 19 shall not unless the Controlling Authority directs otherwise, be allowed to draw the allowances due but not drawn; provided that the allowances so not allowed to be drawn shall not exceed the allowances for one month.

CHAPTER VII *Medical facilities*

38. MEDICAL FACILITIES

An employee of the Society who is not provided with the CGHS facilities or similar facilities created by the Society for its own employees, will be allowed to get

reimbursement of medical expenses to the extent of one month's basic pay, subject to a maximum of Rs. 8,000/- per year, payment being made only on production of certificate, prescription and receipt from a Registered Medical Practitioner or Physician or Surgeon of a Central or State Government Hospital as may be duly supported by cash memos for the purchase of medicine individually certified by the Medical Practitioner concerned; provided that the consultation fee charged by the Medical Practitioner may not be reimbursed in any case.

Provided further that the above limit may be relaxed by the Finance Committee in exceptional cases of prolonged illness, hospitalization or a course of domiciliary treatment under specialist's advice.

The term prolong illness may include the diseases as defined in the Medical Attendance Rules, which is as follows:-

Cases requiring hospitalization and cases of 'prolonged treatment' not requiring hospitalization

Cases of 'medical treatment' requiring hospitalization will normally be referred to a Government/recognized hospital by the authorized medical attendant for admission.

(i) If hospitalization is not considered necessary but treatment is expected to be prolonged requiring either more than four consultations/visits within a period of ten days from the date of commencement of treatment, or more than a course of fifteen injections, as the case may be, either separately or concurrently, a patient should be referred to the out-patient department of a Government/recognized hospital/dispensary by the authorized medical attendant at the earliest, unless reference to a specialist is considered necessary.

(ii) A case of 'prolonged treatment' not requiring hospitalization may be defined as a case of single and continuous spell of illness which requires more than four consultations/visits within ten days from the date of commencement of treatment, or more than a course of fifteen injections, as the case may be, either separately or concurrently.

CHAPTER VIII

Leave

39. KINDS OF LEAVE

The following kinds of leave shall be admissible to an employee :-

- (1) Earned leave
- (2) Half pay leave
- (3) Commuted leave
- (4) Leave not due
- (5) Extraordinary leave
- (6) Maternity leave
- (7) Quarantine leave
- (8) Study leave and

- (9) Any other kind of leave admissible to corresponding Central Government employees

39A. REGULATION OF LEAVE

Same as specifically provided herein, the admissibility and the grant of any kind of leave mentioned above and other provisions with regard to grant of leave shall be regulated in accordance with the provision of the Central Civil Services (Leave) Rules, 1972 as amended from time to time. Any leave lying at the credit of the employee prior to his coming over to the Central Civil Services Rules, will be credited to his leave account.

39B. POWERS TO RELAX

Where the Executive Committee is satisfied that the operation of any of the relevant rules causes undue hardship in any particular case, it may, for reasons to be recorded in writing, dispense with or relax the requirements of that rule to such an extent and subject to such exceptions and conditions as it may consider necessary for dealing with the case in a just and equitable manner.

40. CASUAL LEAVE

An employee may be granted casual leave for not more than 10 days at a time and for not more than 12 days in a calendar year. Intervening Sundays and closed holidays shall not be taken into account for this purpose.

40A. SPECIAL CASUAL LEAVE

An employee may be granted special casual leave for purposes and period for which such leave is admissible to Central Government employees.

41. PROCEDURE FOR GRANT OF LEAVE

(1) No kind of leave can be claimed as a matter of right and the grant of leave shall be subject to the exigencies of service and circumstances of each case.

(2) An employee on leave shall be liable to be recalled from leave if the exigencies of service so require.

(3) An employee shall, before proceeding on leave, make an application in the prescribed form and shall also state in writing his address while on leave and shall keep the Society's office informed of any subsequent changes in leave address.

(4) An application for leave other than study leave shall be considered and disposed of by the Director. An application for leave of Director shall be considered and disposed of by the Chairman.

(5) An application for study leave shall be considered and disposed of by the Chairman.

(6) The officer in-charge (Accounts) shall maintain a leave account in respect of every employee.

CHAPTER IX *Retirement and other benefits*

42. PENSION AND DEATH-CUM-RETIREMENT GRATUITY/PENSION COMMUTATION

(1) An employee, other than a borrowed employee, shall be entitled to the liberalized pension, death-cum-retirement gratuity, pension commutation and family pension benefits as are admissible to employees of the Central Government from time to time.

(2) An employee on contract shall be eligible to the Contributory Provident Fund as is admissible under the Central Government rules.

43. PROVIDENT FUND

An employee other than a borrowed employee or an employee on contract shall subscribe to General Provident Fund as per Central rules from time to time.

The Society shall maintain G.P.F. accounts and issue Pass Books to employees. Interest to the subscribers shall be paid by the Society annually at the rates admissible to Central Government employees from time to time.

Advances/Withdrawals from G.P.F. may be sanctioned to an employee by the competent authority as per Central Government rules.

44. BENEFITS FOR EMPLOYEES FOREGOING THEIR PREVIOUS SERVICE AND OTHER BENEFITS

The Executive Committee, with a view to compensating a permanent employee of the Society, who having been in the permanent service elsewhere under a Central or State Government/Union Territory/Autonomous Body funded by Central/State Government has opted for permanent employment under the Society for any loss caused by such option, after taking into account any monetary benefits granted to the employee, may direct that any period of service in full or in part of such employee under the previous employer shall be regarded as service under the Society for the purpose of Bye-law 42.

45. CASH PAYMENT IN LIEU OF UNUTILIZED EARNED LEAVE

Society's employees retiring on superannuation will be paid cash equivalent of leave salary including dearness allowance in respect of the earned leave at their credit subject to a maximum admissible to Central Government employees on the date of their retirement. In the case of employees who die while in service, the family of the employee will be paid similar amount as admissible to employees of the Central Government from time to time.

**CHAPTER X
GENERAL CONDITIONS OF SERVICE**

46. WHOLE TIME EMPLOYMENT

(1) The whole time of an employee shall be at the disposal of the Society and he may be employed by the Society for the performance of such duties as may be assigned to him by proper authority, without any claim for any additional remuneration.

(2) An employee may be required to serve the Society at any place in India and in any post not lower than the post in which he is substantively appointed or to which he is reduced as a measure of punishment in accordance with the provision of Chapter XII.

(3) No employee should, except with the previous sanction of the Executive Committee, engage directly or indirectly in any trade or business or negotiate for or undertake any other employment.

(4) No pay and allowances are admissible during unauthorized absence.

(5) An unauthorized absence on strike etc. shall be deemed to cause an interruption or break in the service of the employee, unless otherwise decided by the competent authority. Strike includes a general, token, sympathetic or any similar strike and also a participation in a bund or similar activities.

(6) Willful absence from duty not covered by grant of leave shall be treated as 'dies non' for all purposes viz. increment leave and pension, such absence without leave where it stands singly will constitute an interruption of service for the purpose of pension unless the pension sanctioning authority exercises its powers to treat the period as leave without allowances, the entire past service will stand forfeited.

CHAPTER XI

Conduct

47. CONDUCT

- (1) Every employee shall at all times maintain absolute integrity and devotion to duty.
- (2) Every employee shall abide by and comply with Rules and Regulations and Bye-laws of the Society and all orders and directions of his superior authorities.
- (3) Every employee shall extend utmost courtesy and attention to all persons with whom he has to deal in the course of his duties.
- (4) Every employee shall endeavour to promote the interest of the Society and shall not act in any manner prejudicial thereto.
- (5) No employee of the Society shall take part in any unlawful activity of political or communal party nor shall he take part in any political demonstration.
- (6) Every employee shall report to the Society any transaction involving acquisition of movable or immovable property exceeding Rs. 2,000 in value and the source from which the transaction has been financed.
- (7) (i) No employee shall enter into or contract a marriage with a person having a spouse living, and

(ii) No employee having a spouse living shall enter into or contract a marriage with any person.

Provided that the Society may permit an employee to enter into or contract any such marriage if it is satisfied that there are sufficient grounds for so doing.

(8) Other provisions not specified herein but contained in the Central Civil Services (Conduct) Rules, 1964, as amended from time to time shall *mutatis mutandis* apply to the employees of the Society.

CHAPTER XII

Discipline

48. **SUSPENSION**

(1) The Appointing Authority or any other authority superior thereto may place an employee under suspension-

- (a) where a disciplinary proceeding against him is contemplated or is pending, or
- (b) where a case against him in respect of any criminal offence is under investigation or trial.

(2) An employee who is detained in custody, whether on a criminal charge or otherwise, for a period exceeding forty-eight hours or where any employee is sentenced to a term of imprisonment exceeding forty eight hours, he/she shall be deemed to have been suspended with effect from the date of his/her detention/sentence by an order of the Appointing Authority and shall remain under suspension until further orders.

(3) An order of suspension made or deemed to have been made under this regulation may at any time be revoked by the authority which made or is deemed to have made it or by any superior authority.

(4) An employee under suspension shall be entitled to a subsistence allowance at an amount equal to the leave salary which he would have drawn if he had been on leave on half pay and, in addition, dearness allowance based on such leave salary with other compensatory allowance, if any, of which the employee was in receipt on the date of suspension if the Appointing Authority is satisfied that the employee continues to meet the expenditure for which they are granted and is not engaged in any other employment, business, profession or vocation.

(5) An appeal against the order of suspension shall lie to the appellate authority as specified in column 4 of Bye-law 53.

Note: The payment and revision of amount of subsistence allowance would be regulated in accordance with the instructions applicable to corresponding Central Government employees.

49. **PENALTIES**

The following penalties may, for good and sufficient reasons and as hereinafter provided, be imposed on an employee:

A. *Minor Penalties*

- (i) Censure;
- (ii) Withholding increments;
- (iii) Withholding of promotion;
- (iv) Recovery from pay of the whole or part of any pecuniary loss caused to the Society by negligence or breach of the rules, Bye-laws or regulations of the Society or orders or direction of a superior authority.

B. *Major Penalties*

- (i) Reduction to a lower stage in a time-scale or to a lower grade or post;
- (ii) Compulsory retirement; and
- (iii) Removal or dismissal from service.

50. AUTHORITY COMPETENT TO IMPOSE A PENALTY

Appointing Authority specified in rule-6 may impose on an employee any of the penalties specified in Bye-laws-49.

51. PROCEDURE FOR IMPOSING PENALTIES

(1) No order imposing any penalty on an employee shall be passed except after -

(a) the employee is informed in writing of the proposal to take action against him and of the allegations on which it is proposed to be taken and given an opportunity to make any representation he may wish to make; and

(b) such representation, if any, is taken into consideration by the authority imposing the penalty.

(2) In the case of a major penalty (those mentioned in (i) to (iii) of Bye-law 49B, the employee shall have the right to ask for a personal hearing/oral enquiry. No order imposing such a penalty shall be passed except after the desired enquiry has been held and an opportunity has been given to the employee to make any representation against the penalty proposed to be awarded in the light of the findings of the enquiry officer and the punishing authority's conclusion thereon.

52. PROVISION REGARDING BORROWED EMPLOYEES

(1) Where an order of suspension is made or a disciplinary proceeding is commenced against a borrowed employee the lending authority shall forthwith be informed of the circumstances leading to the order of suspension or commencement of the disciplinary proceeding, as the case may be.

(2) In the light of the findings in the disciplinary proceeding taken against such employee :

(i) If the authority imposing penalty is of the opinion that any of the penalties specified in clauses (i) to (iii) of the Bye-law 49B should be imposed on him, it shall replace his services at the disposal of the lending authority and transmit to it the proceedings of the inquiry for such action as it deems necessary; and

(ii) If the authority imposing the penalty is of the opinion that any other penalty should be imposed on him it may, after consultation with the lending authority, pass such orders on the case as it deems necessary:

Provided that in the event of a difference of opinion between the lending authority and the authority imposing the penalty the services of the employee shall be replaced at the disposal of the lending authority.

EXPLANATION

In this regulation the expression 'lending authority' means the authority which has placed the services of the borrowed employee at the disposal of the Society.

CHAPTER XIII ***Appeals and Review***

53. APPELATE AUTHORITIES

An employee may appeal against an order of suspension or an order imposing upon him any of the penalties specified in Bye-law 49 to the authority specified hereunder :-

Class of post	Disciplinary authority		Appellate authority	
	Minor Penalty	Major Penalty	Minor Penalty as also Suspension which is not a Penalty	Major Penalty
Group A	Executive Committee	Executive Committee	Government of India	Government of India
Group B	Chairman	Chairman	Executive Committee	Executive Committee
Group C & D	Director	Director	Chairman	Chairman

54. PERIOD OF LIMITATION FOR APPEALS

No appeal shall be entertained unless it is submitted within a period of 45 days from the date on which the order appealed against is communicated to the person concerned;

Provided that the appellate authority may entertain the appeal after the expiry of the said period if it is satisfied that the appellant had sufficient cause for not submitting the appeal in time.

55. FORM CONTENTS AND SUBMISSION OF APPEALS

(1) Every person submitting an appeal shall do so separately and in his own name.

(2) The appeal shall be addressed to the appellate authority, shall contain all material statements and arguments on which the appellant relies, shall not contain any disrespectful or improper language and shall be complete in itself.

(3) Every appeal shall be submitted to the Director who shall transmit it to the appellate authority.

56. CONSIDERATION OF APPEALS

The appellate authority shall consider every appeal in such manner as it deems fit and pass such orders as it deems proper in the circumstances of the case.

Provided that no order imposing an enhanced penalty shall be passed unless the appellant is given an opportunity of making any representation which he may wish to make against such enhanced penalty.

57. REVIEW

The Society may, on its own motion or otherwise, review any order made by any authority and pass such orders as it deems fit in the circumstances of the case.

Provided that no order imposing an enhanced penalty shall be passed unless the person concerned has been given an opportunity for making any representation which he may wish to make against such enhanced penalty.

58. ORDERS OF REINSTATEMENT

Where an employee who has been removed, dismissed or suspended, is reinstated, the authority reinstating him shall make an order specifying-

(i) Whether the employee may draw for the period of absence from duty pay and allowances in addition to the pay and allowances admissible under Bye-laws 22 and 32.

(ii) Whether such period may be treated as duty for all or any purpose.

58.(A) In respect of any matter not specifically provided for in these Bye-laws, in Chapter XII and XIII, relating to Discipline and Appeals and Review respectively, the relevant provisions contained in the Central Civil Services (Classification, Control and Appeals) Rules, 1965, as amended from time to time, shall apply to the employees of the Society.

CHAPTER XIV
Miscellaneous

59. SPECIAL PROVISION FOR EXISTING EMPLOYEES

Every person holding a post in Allahabad Museum immediately before its registration as Society shall be allowed an option to continue in the corresponding post in the Allahabad Museum Society. The option has to be exercised within 60 days of the passing of these rules by the Government or till the next date of increment whichever is later. Option once exercised shall be final.

Every such person as exercises his option to continue in a post in the Society shall be deemed to have been appointed under the provisions of these Bye-laws to the corresponding posts in Group 'A' 'B' 'C' or 'D' as the case may be and will draw the pay at appropriate stage in the relevant pay to be determined by the Society with the approval of Government.

60. AUTHENTICATION

All orders and decisions of the Society and of the Executive Committee shall be authenticated by signature of the Director or by such other officer as may be specified by the Society in this behalf.

61. HOLIDAYS

The Allahabad Museum shall observe such holidays as are observed by Central Government offices located at Allahabad and such other holidays as determined by the Executive Committee.

62. SERVICE BOOKS AND CHARACTER ROLLS

- (i) The Society shall maintain a service book and Character Roll of each employee in such form and setting out such particulars as may be prescribed by the Executive Committee.
- (ii) The entries in the service book of an employee shall be caused to be made by the Officer Incharge of Accounts.
- (iii) The entries in the Character Roll of an employee shall be made by the authority to whom such employee is immediately subordinate and shall be countersigned by the Controlling Authority with his remarks.

63. RESIDUARY CONDITIONS OF SERVICE

Any matter relating to the condition of service of employee for which no provision is made in these regulations, shall be determined by the Finance Committee subject to report to the Executive Committee.

Provided that the provisions contained in the Bye-laws shall not be invoked so as to permit an employee terms more favorable than those relating to Government employee of a similar category.

Provided further that any concession which is allowed by government to its employees may be allowed also to the employees of the Society subject to the rules and Conditions governing the grant of such concessions to Government employees, and as determined by the Finance Committee, a report about all such concessions will be made to the Executive Committee as early as possible

64. POWER TO RELAX

Notwithstanding anything contained in these Bye-laws the Executive Committee may relax any of the Provisions of these Bye-laws which cause any undue hardship to individual/employees arising from the operation of such provisions, or in the interest of the Society.

65. REMOVAL OF DOUBTS

Where a doubt arises as to whether any authority of the Society is superior to any other authority or as to the interpretation or application of any of the provisions of these Bye-laws, the matter shall be referred to the Executive Committee for decision.

Sd/
(R.N. Srivastava)
Administrative Cum
Accounts Officer,

Sd/14.1.87
(S.P. Tuli)
Director, Finance
Deptt. of Culture

Sd/-14.1.87
(P.S. Sakuntala)
Director,
Deptt. of Culture
